

Applicants have amended Claim 1. The basis for the inclusions in claim 1 as presently written is found in the specification on pages 4 through 13.

The Examiner is respectfully requested to reconsider his rejection of Claims 1, 2 and 9 under 35 U.S.C. §102(b) as being anticipated by Fuller (U.S. Patent 5,179,653).

United States Patent 5,179,653 discloses a software menu system incorporating a display surface having sets of buttons. It discloses "high" and a "low" ranking buttons and uses them to implement various functions to obtain a plurality of menu options. Applicants submit that the Examiner's interpretation of the Fuller patent is incorrect. There is no proper basis for asserting that each and every element defined in Applicants Claims 1, 2 and 9 are disclosed in the Fuller reference. The reference discloses certain elements found in Applicants' claims but not all elements are disclosed.

It is well established that a GUI system is a user interface that is based upon graphics, such as icons, pictures, menus, etc., instead of text so that the user uses a mouse as well as a keyboard as an input device. In Fuller, there is no teaching for the array GUI objects claimed by Applicant other than menu buttons. Further, in Fuller, there is no teaching with respect to severing the dependability of a display system and an operation system as is an objective of Applicant's invention.

The usual application program with GUI at this time, consists of a display system and an operation system. The display system includes characters, images, wall paper, etc. The operation system includes the business logic such as database operation and data calculations. Applicants emphasize that the objective of the present invention is to sever the dependability of a display system and an operation system.

In the preferred embodiment of the present invention, the *display system* is provided by the WebBrowser and the operation system is provided by another process including all the GUI objects (BUTTON, Text Input Window, Window, etc). The elements of the operation system are displayed on top of the display system. The display system and the operation system are unified as a whole GUI application program.

If the revised wording of claim 1 is acceptable, Applicants will amend claim 9 to incorporate the language found in claim 1 into claim 9.

The Examiner is respectfully requested to reconsider his rejection of Claims 3 - 8 and 10 - 13 under 35 U.S.C. §103(a) as being unpatenable over Fuller (U.S. Patent 5,179,653) and Smith (U.S. Patent 5,119,475).

The Smith patent (5,119,475) discloses making the framework of a menu in an object-oriented language with a rule definition file that allows users to develop custom menus for a user interface. The system disclosed is limited to the use of the menu. In Smith, it is impossible to create the whole GUI as is done by Applicants in their invention.

Applicants wish to emphasize how to sever the dependability of a display system and an operation system and make it the whole GUI application program.

The only commonality between Fuller and Smith is the generic concept that they both relate to menus. There is no basis to combine them in seeking to render obvious claim 3 - 8 and 10 - 13.

The Examiner has conceded that the Fuller reference fails to disclose the inclusion of an object definition file for function definition, wherein the object location is specified. It further fails to disclose an object window for depiction of the object on the display surface.

In analyzing the references cited, it is questionable whether the skilled artisan would look to Smith to supplement the teaching of the Fuller primary reference. Considering what the essential features of each of the inventions in these patents, the skilled artisan would not utilize Smith in support of the Fuller reference. The essential feature resides in the GUI. Fuller is limited to buttons and not a full range of GUI.

Fuller and Smith alone, or in combination, do not disclose or even imply the present invention. In the rejection, the Examiner is selectively picking and choosing individual elements disclosed in the references to the exclusion of what the references as a whole teach to one skilled in the art. For example, to arrive at Applicants' invention, the person skilled in the art would have to randomly pick and choose among a number of different elements found in Smith with the only guidance as to what element(s) to select being provided by Applicants disclosure since Fuller does not teach Applicants' GUI. Based upon the skilled artisan's reading and knowledge of the two systems disclosed and their respective objectives and how they are implemented, it is unlikely that the person skilled in the art would use Smith in combination with Fuller.

The Examiner provides in the Official Action as "motivation" for the combination of Smith with Fuller, is given by Smith who states that "' a taxonomy of objects has been developed in an objected oriented programming environment that allows a programmer to develop custom menus for a user interface.'" (Note that Smith does not state "graphic user interface" so no inference may be drawn that "user interface" and "graphic user interface" are equivalent.)

Further it is improper to rely on the teachings of Smith, (being the secondary reference) as the incentive to combine the Fuller and Smith references.

In order to analyze the propriety of the Examiner's rejections in view of Fuller and Smith in this case, a review of the pertinent applicable law relating to 35 U.S.C. § 103 is warranted. The Examiner has applied the two references discussed above using selective combinations to render obvious the invention.

The Court of Appeals for the Federal Circuit has set guidelines governing such application of references. These guidelines are, as stated are found in Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 USPQ, 543, 551:

When prior art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than hindsight gleaned from the invention itself.

A representative case relying upon this rule of law is Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ 2d 1434 (Fed. Cir. 1988). The district court in Uniroyal found that a combination of various features from a plurality of prior art references suggested the claimed invention of the patent in suit. The Federal Circuit in its decision found that the district court did not show, however, that there was any teaching or suggestion in any of the references, or in the prior art as a whole, that would lead one with ordinary skill in the art to make the combination. The Federal Circuit opined:

Something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination. [837 F.2d at 1051, 5 USPQ 2d at 1438, citing Lindemann, 730 F.2d 1452, 221 USPQ 481, 488 (Fed. Cir. 1984).]

Applicants respectfully submit that there is no basis for the combination of Smith with Fuller. The Examiner has selected elements from the Smith reference for the sake of showing the individual elements claimed without regard to the total teaching of the two references.

The Examiner in his application of the cited references is improperly picking and choosing. The rejection is a piecemeal construction of the invention. Such piecemeal reconstruction of the prior art patents in light of the instant disclosure is contrary to the requirements of 35 U.S.C. § 103.

The ever present question in cases within the ambit of 35 U.S.C. § 103 is whether the subject matter as a whole would have been obvious to one of ordinary skill in the art following the teachings of the prior art at the time the invention was made. It is impermissible within the framework of Section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. (Emphasis in original) In re Wesslau 147 U.S.P.Q. 391, 393 (CCPA 1965)

This holding succinctly summarizes the Examiner's application of references in this case, because the Examiner did in fact pick and choose so much of the Smith reference with Fuller to support the rejections and did not cover completely in the Office Action the full scope of what these varied disclosure references fairly suggest to one skilled in the art.

Further, the Federal Circuit has stated that the Patent Office bears the burden of establishing obviousness. It held this burden can only be satisfied by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the reference.

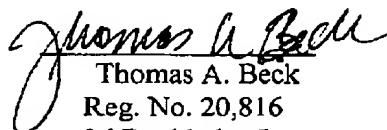
Obviousness is tested by "what the combined teachings of the references would have suggested to those of ordinary skill in the art." In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). But it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." ACS Hosp. Sys., 732 F.2d at 1577, 221 USPQ at 933. [837 F.2d at 1075, 5 USPQ 2d at 1599.]

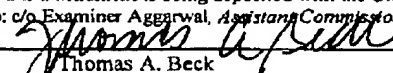
The court concluded its discussion of this issue by stating that teachings or references can be combined only if there is some suggestion or incentive to do so. This incentive to combine must come from the primary reference to Fuller. Thus the rejections of claims 3 - 8 and 10 - 13 are improper.

Applicants have attempted in this response to amend the claims and to place these amended claims in a form which should result in their allowability. If the Examiner wishes to discuss via telephone the substance of any of the proposed claims contained herein with the intent of putting them into an allowable form, Applicants' attorney will be glad to speak with him at a mutually agreeable time and will cooperate in any way possible.

In view of the arguments and modifications to the claims, allowance of this case is warranted. Such favorable action is respectfully solicited.

Respectfully submitted,


Thomas A. Beck
Reg. No. 20,816
26 Rockledge Lane
New Milford, CT 06776

I certify that this amendment is being deposited with the United States Postal Service on the date shown below to telefax number (703) 872-9306 addressed to: c/o Examiner Aggarwal, Assistant Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450
Signature  Date: December 15, 2003
Name: Thomas A. Beck

APPENDIX A
PENDING CLAIMS

1. (Currently Amended) An input device interface control system which has a graphical user interface and which accepts as the entries entry of commands or data, the manipulation by a user to an input screen of a display device comprising:

an application system for controlling an object used for input comprising a flow controller for controlling an HTML file display controller which controls the display of an HTML file via a web browser and an object controller that displays object windows that are objects used for input and which accepts various entries while performing processes corresponding to selected events;

said object controller including an application class operated using Java software which is provided in accordance with an object for a service;

said HTML file displayed by said HTML file display controller and said object windows combine to form said input screen;

an input device used to enter data through operations performed in said object window;

a setting unit which sets up an initial setting filer and an object definition file;

a web browser activation unit

~~wherein an input screen is formed using both an image that is displayed on said display device by said browser and said object that is displayed on said display device by said application system;~~

~~wherein said application system performs a process in accordance with an operation performed by said user relative to said object, and also instructs said browser to interact with a process corresponding to said operation;~~

2. (Currently Amended) The input device interface control system according to claim 1, wherein said screen formed using said HTML file and said object windows form a page, and wherein said application system manages said object using the a unit page that is set in accordance with a specific entry; and wherein when said user enters a request to display another page, said application system displays objects in accordance with said unit page, and instructs said browser to change an image displayed by said browser.

A¹ / 3. (Currently Amended) The input device interface control system which has a graphical user interface and which accepts as an entry, the manipulation by a user to an input screen of a display device comprising:

an object definition file for defining a function for an object used for input and a display form of said object used on said display device;

an object window on said display device in which said object as defined by said object file, is depicted; and

an event processor for detecting an event that has occurred in response to the manipulation of said object by a user, and for performing a process corresponding to said event.

4. (Currently Amended) The input device according to claim 3, wherein the location whereat said object is displayed is defined by a parameter included of in said object definition file.

/5. (Original) An interface preparation system for preparing a graphical user interface that accepts as an entry the manipulation by a user of objects included on an input screen on a display device, comprising:

an object definition file for defining a function of an object for input and a display form for said object depicted on said display device;

an object window in which said object is depicted on said display device as is defined by said object file; and

A
an event processor for detecting an event that has occurred in response to the manipulation of said object by a user, and for performing a process corresponding to said event,

wherein said function of said object and the description of said display form for said object are written in said object definition file for each unit page that is prepared in accordance with a specific entry, in order to design said input screen.

6. (Original) The interface preparation system according to claim 5, wherein said object definition file defines, for each object, said function and said display form of said object by using a specific format that includes information for specifying a page whereon said object is arranged, information indicating the type of said object and information concerning the location of said object.

7. (Currently Amended) The interface preparation system according to claim 5 6, wherein said object is displayed for each page in said object window, and wherein said event processor performs a page switching process for deleting a page displayed in said object window and displaying the next page.

8. (Original) The interface preparation system according to claim 7, further comprising:
a browser for displaying a predetermined image on said display device; and
overall control means for permitting the page switching process performed by said event
processor to interact with the switching of a page displayed by said browser.

A / 9. (Original) A data processing system for accepting as an entry, the manipulation by a user
to an input screen on a display device and for performing a corresponding process, comprising the
steps of:

using a browser to display an image on said display device, and to form an input screen by
combining said image and an object used for input that is controlled by a process separate from
said browser;

detecting an event that has occurred as a result of the manipulation of said object by said user; and

performing a predetermined process in accordance with said detected event, and permitting said
predetermined process to interact with said browser.

10. (Original) A storage medium which stores a program, which can be read by an input means of a computer and instruct said computer to perform:

A¹
a process for reading a definition for an object, given on a desired page extracted from an object definition file, which defines a function of said object, and a display form for said object on said display device for each page that is set up in accordance with specific input;

a process for displaying said object on said display device in accordance with said definition that is read;

a process for detecting an event that has occurred as a result of the manipulation of said object by said user; and

a process that is performed in accordance with said event.

11. (Original) The storage medium according to claim 10, wherein said process for displaying said object includes a program for permitting a browser, mounted in said computer, to display a predetermined image, and for preparing said input screen by combining said object with said predetermined image.

/12. (Original) A program transmission apparatus comprising:

storage means for storing a program that permits a computer to perform

a process for reading a definition for an object of on a desired page extracted from an object definition file, that defines a function of said object, and a form of said object displayed on said display device for each page that is set up in accordance with specific input;

A¹ a process for displaying said object on said display device in accordance with said definition that is read;

a process for detecting an event that has occurred as a result of the manipulation of said object by a user; and

a process that is performed in accordance with said event; and

transmission means for reading said program in said storage means and for transiting said program.

13. (Original) The program transmission apparatus according to claim 10, wherein said process for displaying said object includes a program for permitting a browser, mounted in said computer, to display a predetermined image, and for preparing said input screen by combining said object with said predetermined image.